

REMARKS

Claims 6-10 are currently pending. Claims 6-9 have been amended. Reconsideration is respectfully requested based on the amendments and the following explanations.

In response to the Examiner's statement that the IDS "filed on February 8, 2005 fails to comply with 37 C.F.R. 1.98(a)(3) because it does not include a concise explanation of the relevance," Applicants respectfully note that the "concise relevance" requirement is met by the fact that each of the foreign-language references listed in the IDS was listed in the International Search Report (submitted concurrently with the IDS of 2/8/05), and the International Search Report clearly indicated the relevance (e.g., category and the relevant sections). The relevant rules clearly indicate that the citation contained in the International Search Report is sufficient to satisfy the "concise relevance" requirement.

Claims 6-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In this regard, the Examiner indicated that the recitation of "at least one additional vehicle system" is improper because "there is no initial vehicle system." In response to the Examiner's comments, Applicants have amended claim 6 to recite that "the processor is connectable to **at least one vehicle system besides said two pressure sensors.**" Applicants respectfully submit that the above-recited amended language clearly does not require "an initial vehicle system." For at least these reasons, the rejection of claims 6-10 under 35 U.S.C. 112, second paragraph, should be withdrawn.

Claims 6, 7, 9, and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Zumpano (U.S. Patent No. 6,513,829). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

To anticipate a claim under § 102(e), a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claim 6 has been amended to recite, in relevant parts, “at least two pressure sensors each detecting an impact based on adiabatic pressure increase, wherein the at least two pressure sensors are connectable to the processor to communicate at least one pressure value each to the processor, the processor being configured to perform an impact sensing based on the at least one pressure value; wherein the processor is connectable to at least one vehicle system besides said two pressure sensors to transmit the at least one pressure value to the at least one vehicle system.” Applicants respectfully submit that Zumpano clearly fails to teach or suggest the above-recited features of amended claim 6, as explained in detail below.

Initially, regarding the limitation that “at least two pressure sensors each detecting an impact based on adiabatic pressure increase, wherein the at least two pressure sensors are connectable to the processor to communicate at least one pressure value each to the processor, the processor being configured to perform an impact sensing based on the at least one pressure value,” Zumpano clearly does not disclose any adiabatic sensors. The use of adiabatic impact sensors removes the redundancy of sensors throughout the car because adiabatic sensors are capable of efficiently and reliably sensing temperature and pressure changes, a functionality useful to a handful of other devices within many vehicles. There is absolutely no suggestion in Zumpano that the impact sensors 14 (described in col. 10, ll. 52-67) are adiabatic, and these sensors only serve to determine whether a collision has occurred, so that the inflatable members (22-28) having their own pressure sensor assembly (46) can be activated.

Independent of the above, the processor in Zumpano is clearly not configured to perform any impact sensing based on at least one pressure value coming from at least one adiabatic sensor. In Zumpano, the impact sensors 14 are not adiabatic, and the other sensor assembly 46 (within the inflatable members 22-28) is also not an adiabatic sensor assembly. Regarding the sensor assembly 46, this assembly clearly does not produce sensor values for the purpose of performing an impact sensing calculation by the CPU; instead, the sensor assembly 46 produces pressure values in order to adjust pressures within the inflatables *after* it has already been separately determined by the non-adiabatic sensors 14 that a collision has taken place.

Independent of the above, the claimed feature that “the processor is connectable to at least one vehicle system besides said two pressure sensors to transmit the at least one pressure value to the at least one vehicle system” is not disclosed in Zumpano. Although the Examiner cites col. 13, l. 63-65 of Zumpano as disclosing the above-recited claimed feature, the cited section of Zumpano merely discloses determining the “summate pressure [P1] within the inflatable member 22” based on the initial inflation pressure Pi and the external force E of acceleration of the occupant, which “summate pressure [P1] information is transmitted by the processor 20 to the opposing, cooperatively positioned inflatable member 24.” (Col. 13, l. 50-65). Accordingly, there is no suggestion in Zumpano that the pressure value generated by the sensor 14 is transmitted by the processor to another vehicle system.

For at least the foregoing reasons, claim 6 and its dependent claims 7, 9 and 10 are not anticipated by Zumpano.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Zumpano in view of Bohner (U.S. Patent No. 6,269,903). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria

must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). To the extent that the Examiner may be relying on the doctrine of inherent disclosure to support the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 8 depends on independent claim 6. As discussed in connection with claim 6, Zumpano clearly does not teach or suggest the claimed features “at least two pressure sensors each **detecting an impact based on adiabatic pressure increase**, wherein the at least **two pressure sensors are connectable to the processor** to communicate at least one pressure value each to the processor, the **processor being configured to perform an impact sensing based on the at least one pressure value**; wherein **the processor is connectable to at least one vehicle system besides said two pressure sensors to transmit the at least one pressure value to the at least one vehicle system**.” In addition, Bohner clearly fails to remedy the deficiencies of Zumpano as applied against base claim 6. For at least this reason, even if there were some motivation to combine the teachings of Zumpano and Bohner (with which assumption Applicants do not agree), the combination of Zumpano and Bohner cannot render obvious dependent claim 8.

For at least the foregoing reasons, the obviousness rejection of claim 8 should be withdrawn.

CONCLUSION

In light of the foregoing, claims 6-10 are allowable. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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